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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

2005 JUL 21 P 4: 51

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
James H. Shortz,
Plaintiff,

vs.

United Parcel Service

Defendant,

CIVIL ACTION NO.: 3:05cv675-T

JURY DEMAND

COMPLAINT

I. JURISDICTION

1. The jurisdiction of this court is invoked pursuant to the Act of Congress known as 28 U.S.C. 1331, 1334(4), 2201 and 2202, 42 U.S.C. 2000e et seq. This suit is authorized pursuant to the 1st, 4th, and 14th Amendments to the Constitution of the United States.
2. The Plaintiff filed a letter of intent to the defendant alleging discriminatory business practices, illegal search and seizure of plaintiff's property and defamation of plaintiff's character by the defendant 60 days prior to this complaint.

II. PARTIES

3. Plaintiff, James H. Shortz, is a male citizen of the United States and a resident of the State of Alabama. The plaintiff made a contractual agreement with United Parcel Service, hereinafter known as UPS, for the shipment of a laptop computer to Nigeria. Plaintiff paid for the

service at premium for the benefit of tracking and security of the sensitive computer equipment as well as to insure prompt delivery; plaintiff endeavored to impress his new international contact with his straightforwardness and dependability.

4. Defendant, United Parcel Service, is a licensed shipping contractor authorized to ship domestically and internationally in much the same manner as the United States Postal Service.

III. CAUSES OF ACTION

- A. Fraud, according to *FRCP 9(b)*; Discrimination, according to the 14th Amendment of the United States Constitution and tort with malice and conspiracy to defame the character of the plaintiff and his international associates.
5. The plaintiff alleges that the defendant willfully conducts illegal screening of shipments to the nation of Nigeria automatically and without just cause. After the plaintiff contracted with the defendant on October 7, 2004 to ship by EXPRESS means at the rate of \$384.64 a laptop computer to Port Harcourt, Nigeria, the defendant interrupted plaintiffs shipment in Alabama, held the shipment from its destination, concealed the location of the shipment and failed to produce any satisfactory fulfillment of the shipment contract.
6. Having been made aware that the shipment was not timely shipped, plaintiff inquired with the tracking number supplied by the defendant and was told that the shipment was last known to be in Louisville,

Kentucky. However, after reviewing the obvious, the shipment never left Alabama due to a deliberate malicious decision by UPS security. That act of willful disrespect damaged plaintiff's relationship with his newly acquired international associates.

7. The plaintiff seeks to redress the wrongs alleged herein and this suit for and injunctive and declaratory judgment is his only means of securing adequate relief. The plaintiff is now suffering and will continue irreparable injury from the defendant's unlawful policies and practices as set forth herein unless enjoined by this court.

IV. PRAYER FOR RELIEF

WHEREFORE, the plaintiff prays that this court assume jurisdiction of this action and after trial:

1. Issue a declaratory judgment that the commercial policies, practices, procedures, conditions and customs of the defendant are violative of the rights of the plaintiff that are guaranteed by the 1st, 4th and 14th Amendments and Civil Rights Acts.
2. Grant plaintiff permanent injunction enjoining the defendant, its agents, successors, employees, attorneys, and those acting in concert with the defendant and at the defendant's request from continuing to violate Constitutional and Civil Rights laws.
3. Enter an order requiring the defendant to make the plaintiff whole by awarding him the cost of the shipment with interest (to be determined by

a jury) and/or nominal damages, declaratory and injunctive relief and benefits.

4. The plaintiff further prays for such relief and benefits as the cause of justice may require, including but not limited to, an award of costs, attorney's fees and expenses.

Respectfully submitted



James H. Shortz, *Pro Se*
Plaintiff

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Montgomery, Alabama 36109
(334) 467-7880 or (334) 271-3715

PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY



James H. Shortz

DEFENDANT'S ADDRESS:

United Parcel Service
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2000 Interstate Park Drive
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